IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 2910 of 2003

Between:

L. Indumathi w/o L. Srinivasa Reddy
R/o 1-36/1/12/227, plot No. 227, Reddy Colony, chandanagar,
Hyderabad

..... PETITIONER

AND

1 The A.P. State Financial Corporation rep by its Asst. General Manager, Ramachandrapuram Branch, 22-95, Reddy Complex, Besides LIC Office Ramachandrapuram, Hyderabad-32
2 The A.P. State Financial Corporation rep by its Managing Director, Chirag Ali Lane, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate Writ declaring that the action of the respondent-corporation in notifying the auction sale of the house property of the petitioner, bearing H. No. 1-36-1/12/227 , Plot No. 227, Reddy Colony, chandanagar, Hyderabad, without giving minimal opportunity notice or hearing to the petitioner, towards the tractor loan of the husband of the petitioner, is arbitrary and illegal and direct the respondent to forbear from proceedings further pursuant to the auction notification dated 11-2-2003.

Counsel for the Petitioner :MR.V.VENKATARAMANA

Counsel for the Respondents: MS Y.N.LOHITA

The Court made the following :

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ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal at the stage of interlocutory.

The petitioner, who has given a collateral security of profits, filed this Writ Petition, inter alia, seeking to assail the action of the respondent-corporation in notifying the auction sale of his house property.

The petitioner's grievance is that having regard to the defect noticed in the tractor, the petitioner already approached the consumer forum and the same is still pending in C.D.No.16 of 2001. However, the respondents are proceeding to recover the amounts by conducting the auction. Except making said allegation, no other specific plea has been raised to show any unreasonableness on the part of the respondents, nor any illegality or statutory violation in conducting the auction. In view of the same, the Writ Petition is not maintainable.

Hence, I do not find any merits in the Writ Petition. The Writ Petition is, accordingly, dismissed. However, the petitioner is granted two months time for the payment of the liability i.e., Rs.4,00,000/-, in default of payment, respondents are at liberty to proceed with the auction. No costs.

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B.PRAKASH RAO, J.

Dated 22-09-2004.

SKMR

To

1 The Asst. General Manager, A.P. State Financial Corporation,

Ramachandrapuram Branch, 22-95, Reddy Complex, Besides LIC Office Ramachandrapuram, Hyderabad-32

2 The Managing Director, A.P. State Financial Corporation, Chirag Ali Lane, Hyderabad

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